

ENTERED

January 27, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARK STUYVESON,

Plaintiff,

VS.

OFFICER MCCULLUM, *et al*,

Defendants.

§
§
§
§
§
§
§

CIVIL ACTION NO. 2:15-CV-00308

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DISMISS ACTION**

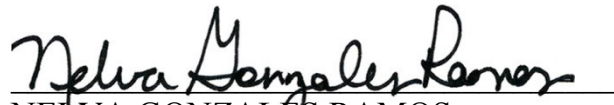
On December 29, 2015, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation to Dismiss Action” (D.E. 12). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 12), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the civil rights action

(D.E. 1) is **DISMISSED WITH PREJUDICE** and it is **ORDERED** that this dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g), and the Clerk is directed to send a PDF version of the Memorandum and Recommendation and this Order adopting it to Lori Stover at Lori Stover/TXED/05/USCOURTS. To the extent Plaintiff has raised any claims sounding in habeas corpus, those claims are dismissed without prejudice.

ORDERED this 27th day of January, 2016.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE